

under 35 U.S.C. § 103(a). No new matter has been entered. Claims 1-12 are presented for consideration.

Claim Objection

The Office Action indicated that should Claim 7 be found allowable, Claim 8 will be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate thereof. Claim 7 is directed to a work form-measuring apparatus where the refuge means causes the coordinate-measuring machine to take refuge with a linear motion. In contrast Claim 8 is directed toward a work form-measuring apparatus where the refuge means causes the coordinate-measuring machine to take refuge with a rotational motion. Consequently, Claims 7 and 8 are not substantial duplicates but instead claim an apparatus where the coordinate-measuring machine takes refuge with a different type of motion in each claim. In Claim 7 the machine takes refuge with a linear motion, and in Claim 8 the machine takes refuge with a rotational motion. Therefore, Applicant asserts that Claim 8 is not a substantial duplicate of Claim 7. Therefore, Applicant requests reconsideration and withdrawal of the objection to Claim 8.

35 U.S.C. § 112, Second Paragraph

Claims 2 and 3 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out distinctly claimed subject matter which Applicant regards as the invention. Applicant's amendments to Claims 2 and 3 were intended to particularly point out distinctly claimed subject matter which Applicant

regards as the invention. Consequently, Applicant requests reconsideration withdrawal of the rejection of Claims 2-3 under 35 U.S.C. § 112, second paragraph.

35 U.S.C. § 102(a)

Claims 1, 4-6, 9-10, and 12 were rejected under 35 U.S.C. § 102(a) as being anticipated by the prior art method disclosed by Applicant on page two of the specification.

Claim 1 recites a work form measuring method. This method includes placing a work on a waiting position after the work has been machined by a machine tool. Thereafter, a probe of a coordinate-measuring machine is brought close to the work in the waiting position on an auto pallet changer and then measuring the forms and dimensions of the work. The coordinate-measuring machine being arranged in the vicinity of the machining tool.

Applicant's rejection with new added limitation

Applicant has amended the independent claims (Claims 1, 5, and 12) to add the limitation that the coordinate-measuring machine performs its measurement while the work is in the waiting position of an auto pallet changer. Measuring the work while on an auto pallet changer is neither disclosed nor suggested by Applicant's prior art on page 2 of the specification or shown in Figure 13 of the drawings. Therefore, Applicant's prior art now fails to disclose each and every feature of the claimed invention. Therefore, Applicant requests reconsideration withdrawal of the rejection of Claims 1, 4-6, 9-10, and 12 under 35 U.S.C. § 102(a).

35 U.S.C. § 103(a)

Claims 2-3, 7-8, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the prior art and Plath et al. (DE 4126532 A1).

*No 1 position
Plath shows work
displacement supports
which are capable of the claimed
function*

The Office Action asserts that Plath teaches alternative structures commonly used as a changer for moving work between a waiting position and a measuring position for measuring the dimensions of the work by a coordinate-measuring machine.

It appears that the structures that the Office Action has asserted are a changer for moving a work between a waiting position and a measuring position are in reality an index table that is utilized to expand the measurement range by moving and rotating the work. Consequently, Plath fails to disclose bringing a probe of a coordinate-measuring machine close to the work in a waiting position of an auto pallet changer and then measuring the forms and dimensions of said work as recited in the claims. Thus, Plath fails to cure the deficiency discussed above in Applicant's admitted prior art. Therefore, applicant requests reconsideration of the withdrawal of the rejection of Claims 2-3, 7-8, and 11 under 35 U.S.C. § 103(a).

Conclusion

Applicant's amendments and remarks have clearly overcome the objections and rejections set forth in the Office Action dated August 16, 2000. Specifically, Applicant's remarks have overcome the objection to Claim 8. Applicant's amendments to Claims 2 and 3 have overcome the rejection of these claims under 35 U.S.C. § 112, second paragraph. Applicant's amendments to Claims 1, 5, and 12, together with Applicant's remarks, have overcome the rejection of Claims 1, 4-6, 9-10, and 12 under 35 U.S.C. §

102(a). Applicant's amendments to Claims 1, 5, and 12, together with Applicant's remarks, have also overcome the rejection of Claims 2-3, 7-8, and 11 under 35 U.S.C. § 103(a). Consequently, Claims 1-12 are in condition for allowance. Therefore, Applicant respectfully requests consideration allowance of Claims 1-12.

Applicant submits that the application is now in condition for allowance. If the Examiner believes that the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

The Commission is authorized to charge payment for any additional fees which may be required with respect to this paper toward deposit account number 01-2300.

Respectfully submitted,



Rustan J. Hill
Registration No. 37,351

AREN'T FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W.,
Suite 600
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810